



Presented by

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Before the

House Veterans' Affairs Committee
Subcommittee on Disability Assistance & Memorial Affairs

Regarding

H.R. 105, H.R. 299, H.R. 1328, H.R. 1329,
H.R. 1390, H.R. 1564, & H.R. 1725

April 5, 2017

Chairman Bost, Ranking Member Esty, and other distinguished members of this subcommittee, on behalf of our National President John Rowan, our Board of Directors, and our membership, Vietnam Veterans of America (VVA) thanks you for the opportunity to present our views concerning the legislation to be discussed at today's hearing.

H.R. 105 — the Protect Veterans from Financial Fraud Act, which, in situations in which a fiduciary misuses all or part of an individual's benefit paid to the fiduciary, the VA shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of the misused benefit; and in cases in which an adverse determination by the VA of a veteran's mental capacity to manage VA monetary benefits may be appealed in accordance with provisions governing the Board of Veterans' Appeals and the U.S. Court of Appeals for Veterans Claims.

The VA will be the first to acknowledge that it takes way too long now to remedy the above situations; and senior staff promise that this will be remedied with the advent of the long-delayed appeals modernization. Inasmuch as we disagree with the direction the VA has been taking with this so-called modernization, this strikes us not as a solution to very real issues but rather as an empty gesture. Hence, VVA favors enactment of this bill.

H.R. 299 --- the Blue Water Navy Vietnam Veterans Act, which would include as part of the Republic of Vietnam its territorial seas for purposes of the presumption of service connection for diseases associated with exposure by veterans to certain herbicide agents while in Vietnam.

Time was when sailors and marines who served aboard any of the myriad vessels that plied the waters of Yankee and Dixie Stations in the Gulf of Tonkin and South China Sea, respectively, were accorded the same presumption of service-connected health conditions as were troops who were "boots on the ground" in Vietnam. Then the VA reneged, and several thousand of seaborne warriors were, to borrow a cliché, left out in the cold.

VVA for years has been attempting to get the VA to reverse its determination in this situation. Is evidence of exposure sufficient, they ask. Will sailors aboard ships a hundred miles or more offshore claim they were exposed, they wonder. Will claims that have long been denied need to be re-adjudicated, they worry. Will there ever be scientific certainty sufficient for rating purposes? Officials point to two new studies that, they contend, should answer some of these questions, with the first papers based on analysis and interpretation of preliminary results getting written in about a year. This, alas, doesn't fill us with confidence: it's more than two full years since the conclusions re the National Vietnam Veterans Longitudinal Study were presented to the VA, and this report has yet to be released.

When we point to a peer-reviewed study done by the Australians, the VA counters that that study was a simulation that indicated plausibility, not certainty, that the dioxins in the herbicides and defoliants our military so liberally sprayed across South Vietnam somehow got into the desalinated water used aboard these ships for cooking, washing, and bathing. As to what constitutes territorial waters, we believe that the 12-mile offshore "limit" should not be any

litmus test; rather, all sailors and marines aboard ships who received the Vietnam Combat Ribbon ought to be covered.

So, yes, Vietnam Veterans of America joins the 243 co-sponsors of H.R. 299 in supporting its enactment into black-letter law.

H.R. 1328 & 1329 --- the American Heroes COLA Act & the Veterans' Compensation Cost-of-Living Adjustment Act. 1329 would mandate that the Department of Veterans Affairs increase by the same COLA of title II of the Social Security Act the percentage increase for veterans' disability compensation, compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children.

Every year, Congress does the right thing by increasing compensation for veterans at the same rate as the Social Security COLA. There is no logical reason why Congress has to engage in the same charade year after year. So, it's about time that Congress enact H.R. 1329, which will do for 2017 and all subsequent years what H.R. 1328 will do for this year alone. If Congress is unwilling to see the forest for the tree, then we will support H.R. 1328.

H.R. 1390 --- This is an untitled bill that would authorize the Secretary of Veterans Affairs to pay costs relating to the transportation of certain deceased veterans to veterans' cemeteries owned by a state or tribal organization.

As long as there is adequate oversight to ensure that the VA is not forced to come up with unrealistic or outrageous charges for such transportation, VVA sees no reason not to support this legislation.

H.R. 1564 --- the VA Beneficiary Travel Act would amend the Veterans Benefits Improvements Act of 1996 to specify the funding source for travel related to exams by clinicians not employed by the VA for medical disabilities of applicants for disability compensation and other benefits.

Inasmuch as the VA is already doing this, we are told, in 15 regional offices already, with plans to do so throughout the system, it seems that H.R. 1564 is a piece of Johnny-come-lately legislation. Still, VVA supports enactment of this bill: there is no salient reason not to get it into black-letter law.

H.R. 1725 --- the Quicker Veterans Benefits Delivery Act, the goal of which is to enhance the Acceptable Clinical Evidence initiative of the VA to improve the treatment of medical evidence provided by non-VA medical professionals in support of claims for disability compensation. This bill will "further encourage the use of private medical evidence and reliance upon reports of a medical examination administered by a private physician if the report is sufficiently complete

to be adequate for the purposes of adjudicating a claim.” As such, enacting this legislation makes eminent good sense, and VVA supports it entirely.

Vietnam Veterans of America thanks the subcommittee for listening to our position on these seven pieces of legislation, and thanks the members for what they do to improve the lives of veterans, our dependents, and our survivors. Now, I would be pleased to reply to any questions you may care to ask.

Thanks you.

VIETNAM VETERANS OF AMERICA

Funding Statement

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The national organization Vietnam Veterans of America (VVA) is a non-profit veterans' membership organization registered as a 501(c) (19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

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“Rick” Weidman serves as Executive Director for Policy & Government Affairs on the National Staff of Vietnam Veterans of America (VVA). As such, he is the primary spokesperson for VVA in Washington. He served as a 1-A-O Army medic with the AMERICAL Division in Vietnam. Mr. Weidman was part of VVA from 1978 to today. He left VVA full time to serve in the Administration of New York Governor Mario Cuomo, then a stint with the New York State Assembly, returning to VVA in 1998. He has served on many veteran advisory groups and committees regarding veterans’ issues, and is recipient of numerous awards for veterans’ advocacy.

He also currently serves as Chairman of The Veterans Entrepreneurship Task Force (VET-Force), a consortium of private veteran and disabled veterans businesses and Veterans Service Organizations/Military Service Organizations dedicated to expanding business opportunities for veterans, and creating jobs for veterans. (contact: www.VET-Force.org)

Mr. Weidman was an instructor and administrator at Johnson State College (Vermont) in the 1970s, where he was also active in community and veterans affairs. He attended Colgate University (B.A., 1967), and did graduate study at the University of Vermont.

He is married and has four children.